

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ZONEPERFECT NUTRITION COMPANY

V.

CIVIL ACTION NO. 04-10760-RGS

HERSHEY FOODS CORP., HERSHEY CHOCOLATE & CONFECTIONERY CORP., and
BARRY SEARS

ORDER SETTING CASE FOR TRIAL

STEARNS, DJ.

AUGUST 4, 2004

THE ABOVE-CAPTIONED ACTION IS HEREBY SET FOR JURY TRIAL ON
MONDAY, AUGUST 23, 2004 AT 9:00 A.M. IN COURTROOM #21, 7TH
FLOOR, JOHN JOSEPH MOAKLEY UNITED STATES COURTHOUSE, BOSTON, MA.
ON OR BEFORE AUGUST 18, 2004, COUNSEL SHALL FILE THE FOLLOWING
MATERIALS WITH THE COURT:

1. Any stipulated or admitted facts in a form suitable for presentation to the Court or jury;
2. A list of prospective witnesses, including names, city or town of residence, or business institutional address;
3. An identification by inclusive page and lines of any portions of depositions or interrogatory responses to be offered at trial, and a precise statement of any objections thereto;
4. A "Joint List of Exhibits" as to which there is NO objection, IDENTIFIED AND MARKED BY A SINGLE SEQUENCE OF NUMBERS, regardless of which party is the proponent of an exhibit (such exhibits are deemed ADMITTED and need NOT be independently offered at trial);
5. A "List of Exhibits to be Offered at Trial", as to which a party reserves the right to object, IDENTIFIED AND MARKED BY A SINGLE SEQUENCE OF CAPITAL LETTERS, regardless of which party is the proponent of an exhibit;
6. Motions in Limine or other requests regarding foreseeable disputes concerning evidentiary issues, including authority for the ruling requested;
7. A TRIAL MEMORANDUM addressing those items as to which there are foreseeable disputes concerning issues of law;
8. An informed estimate of the probable length of the trial, based on a trial schedule of 9:00 A.M. to 1:00 P.M. daily. In any case exceeding one week's duration, the Court will impose time limits on the parties which will be STRICTLY ENFORCED;
9. In cases to be tried by a jury:
 - A. REQUESTS FOR INSTRUCTIONS WITH CITATION TO SUPPORTING AUTHORITY;
 - B. ANY PROPOSED OR SPECIAL VERDICT QUESTIONS;
 - C. ANY PROPOSED QUESTIONS FOR THE VOIR DIRE

EXAMINATION;

D. A SUCCINCT AND NEUTRAL STATEMENT SUMMARIZING
THE PRINCIPAL CLAIMS AND DEFENSES OF THE PARTIES
TO BE READ TO THE VENIRE DURING EMPANELMENT.

10. All trial exhibits must be reclaimed by the end of the
first business day following the day of the verdict. This
policy is strictly enforced by the Court as there is no space
at the Courthouse to store exhibits after a trial has ended.
Exhibits not reclaimed by counsel will be discarded.

A "FINAL PRE-TRIAL CONFERENCE" WITH THE
COURT IS SCHEDULED FOR:

FRIDAY, AUGUST 13, 2004 AT 11:00 A.M.

SO ORDERED.

RICHARD G. STEARNS
UNITED STATES DISTRICT JUDGE

BY:


/s/ Mary H. Johnson
Deputy Clerk